REMARKS

Claims 80-93 are pending. By this amendment, claims 80 and 93 are amended to clarify that the consumer information server determines whether a consumer using the consumer computer is registered with the consumer information server, and if the consumer is not registered with the consumer information server sending, to the consumer computer, a request for registration information.

The Office Action rejects claims 80-93 under 35 U.S.C. §103 over Stein (US Pat. No. 6,246,996) in view of Kuzma (US Pat. 5,771,335). It is submitted that claims 80–93 are allowable over the applied references for the reasons discussed below.

The Office Action asserts that "besides old and well known claimed limitations, the only "arguable" limitation in independent claims describing : sending a message to a server, that server would forward said message comprising a computer address, then accessing that address. This limitation has been done in computer processing because instead of putting a URL (a computer address) in an e-mail, a user can type that address in "GO TO" block on Netscape website to access that same address OR the same method has been INHERENTLY DONE by any computer server."

It is asserted that the Office Action has improperly paraphrased the claims of the application. For example, the claims do not recite the supposedly only "arguable" limitation of sending a message to a server, that server would forward said message comprising a computer address, then accessing that address. Further, it is not understood how "a user can type that address in "GO TO" block on Netscape website to access that same address" is relevant to the present claims, because the present claims do not recite anything about a user typing an address in GO TO block on Netscape to access or website. Further, the Office Action seems to assert that the method is inherently done on any computer. This inherency assertion is again challenged, and it is requested that the Examiner provide documentary evidence of such.

The Office Action admits that Stein "may not" disclose an act of activating a hypertext link included in an e-mail message, but asserts that Kuzma suggests that idea, and that it would have been obvious to combine the teachings of Kuzma and Stein.

As further explained below, it is submitted that Kuzma does not solve the deficiencies of Stein. The deficiencies of Stein were noted in the July 14, 2005 Appeal Brief, which resulted in the reopening of prosecution and application of Kuzma by the Examiner. The Argument from Appellant's Appeal Brief filed July 14, 2005 is incorporated herein by reference as applied to the Stein reference.

Claim 80 requires:

80. A method for conducting electronic transactions over a network, comprising:
at a merchant computer:

    sending, to a consumer computer, an electronic mail message associated with an electronic transaction, the electronic mail message including a link to a consumer information server; and

at the consumer information server:

    receiving, from the consumer computer, a connection request based on the link,

    determining whether a user using the consumer computer is registered with the consumer information server,

    if the consumer is not registered with the consumer information server, sending, to the consumer computer, a request for registration information,

    receiving, from the consumer computer, registration information in response to the request, the registration information including a consumer identification number, and

    storing the registration information.

Independent claim 93 contains substantially the same recitations. Kuzma does not disclose or suggest sending, to a consumer computer, an electronic mail message associated with an electronic transaction, the electronic mail message including a link to a consumer information server, as required by the claims. The Office Action refers to Kuzma at col. 12, line 65 through col. 13, line 38.

In contrast, Kuzma discloses that a potential recipient user 622 of a network such as the Internet sets up a reserve HTML page 625 on his server 620. The page 625 allows browsers, such as sender 612, visiting recipients home page, to modify the page's content by writing a URL and a subject or description line or other message. By accessing a hypertext link, a CGI script returns HTML form 625 to the sender, which asks for the URL 627 and the subject or primary message 626. See Kuzma, col. 13, lines 1-25.

Thus Kuzma does not disclose "sending, to a consumer computer, an electronic mail message associated with an electronic transaction, the electronic mail message including a link to a consumer information server", as required by the claims. Instead, Kuzma discloses the sender 612 must visit the recipients home page and insert a URL, which can later be activated to cause the CGI script to be activated. The URL of Kuzma is not sent sent to the consumer computer in an e-mail as required by the claims.

Further, neither Stein nor Kuzma disclose or suggest "determining whether a consumer using the consumer computer is registered with the consumer information server and if the consumer is not registered with the consumer information server, sending, to the consumer computer, a request for registration information" as required by the claims. The Examiner seems to be asserting that the Internet is equivalent to the claimed consumer information server, and in Stein, the Internet does not perform "determining whether a consumer using the consumer computer is registered with the consumer information server and if the consumer is not registered with the consumer information server, sending, to the consumer computer, a request for registration information" as required by the claims.

Stein does not disclose or suggest that a consumer information server will determine whether the consumer is registered with the consumer information server, or if the consumer is not registered with the consumer information server, sending, to the consumer computer, a request for registration information. In contrast, Stein discloses that if an Internet user 14 wants to establish a cardholder account, the user 14 sends an application-request message 227 over the Internet to payment system 90 and receives a blank form to fill out from the payment system 90. Thus, in Stein, the user must start the registration process, and there is no disclosure or suggestion of a consumer information server "determining whether a consumer

using the consumer computer is registered with the consumer information server and if the consumer is not registered with the consumer information server, sending, to the consumer computer, a request for registration information" as required by the claims.
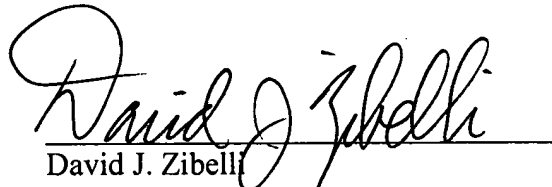
For the above reasons, it is submitted that the claim would not have been obvious over the applied references. Withdrawal of the rejections is requested.

In view of the foregoing remarks, Applicant respectfully submits that the claims as presently written are allowable and an early and favorable action to that effect is respectfully requested.

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application.

The Office is authorized to charge any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit of any overpayment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

Dated: June 2, 2006

David J. Zibelli
Registration No. 36,394

KENYON & KENYON
1500 K Street, N.W. - Suite 700
Washington, D.C. 20005 -1257
Tel: (202) 220-4200
Fax: (202) 220-4201

614770